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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/619,361	07/19/2000	Masafumi Usuda	15689.54	2184	
22913	7590 04/11/2005		EXAMINER		
WORKMAN NYDEGGER			MOORE, IAN N		
	RKMAN NYDEGGER (OUTH TEMPLE	ART UNIT	PAPER NUMBER		
1000 EAGLE GATE TOWER			2661		
SALT LAKE	ECITY, UT 84111		DATE MAILED: 04/11/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/619,361	USUDA ET AL.		
Examiner	Art Unit		
Ian N Moore	2661		

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	Ian N Moore	2661				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress			
THE REPLY FILED <u>24 March 2005</u> FAILS TO PLACE THIS AI	PPLICATION IN CONDITION FOR	ALLOWANCE.				
1. The reply was filed after a final rejection, but prior to filing applicant must timely file one of the following replies: (1) application in condition for allowance; (2) a Notice of Application for Continued Examination (RCE) in compliance time periods:	g a Notice of Appeal. To avoid abar an amendment, affidavit, or other peal (with appeal fee) in compliance	ndonment of this app evidence, which plac e with 37 CFR 41.31;	es the or (3) a			
a) The period for reply expires <u>3</u> months from the mailing date of	f the final rejection.					
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
Examiner Note: If box 1 is checked, check either box (a) or (b) MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).					
Extensions of time may be obtained under 37 CFR 1.136(a). The date on been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened standard in the control of the control of the shortened standard in the control of t	and the corresponding amount of the fee. atutory period for reply originally set in the	The appropriate extension final Office action; or (2)	on fee under 37 as set forth in (b)			
	ead, but prior to the data of filing or	n annual briof. The Ne	nting of Appeal			
2. The reply was filed after the date of filing a Notice of App was filed on A brief in compliance with 37 CFR 4 Appeal (37 CFR 41.37(a)), or any extension thereof (37 Appeal has been filed, any reply must be filed within the	11.37 must be filed within two mont CFR 41.37(e)), to avoid dismissal o	ths of the date of filing of the appeal. Since a	g the Notice of			
<u>AMENDMENTS</u>						
3. The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co	nsideration and/or search (see NO		because			
 (b) ☐ They raise the issue of new matter (see NOTE below (c) ☐ They are not deemed to place the application in be appeal; and/or 	· ·	educing or simplifying	the issues for			
(d) They present additional claims without canceling a		ejected claims.				
NOTE: (See 37 CFR 1.116 and 41.33(a)) The amendments are not in compliance with 37 CFR 1.		ompliant Amendment	F (DTOL 324)			
5. Applicant's reply has overcome the following rejection(s)		omphant Amendmen	(FTOL-324).			
5. Newly proposed or amended claim(s) would be a	•	timely filed amenda	nent canceling			
the non-allowable claim(s).		,,	g			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:		vill be entered and an	explanation of			
Claim(s) allowed:						
Claim(s) objected to: <u>9-11 and 20-22</u> .						
Claim(s) rejected: <u>1-8,12-19</u> . Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE						
 The affidavit or other evidence filed after a final action, b because applicant failed to provide a showing of good ar and was not earlier presented. See 37 CFR 1.116(e). 						
The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe	al and/or appellant fa	ils to provide a			
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	•	• •	• •			
The request for reconsideration has been considered by See Continuation Sheet.	ut does NOT place the application i	in condition for allowa	ance because:			
12. Note the attached Information Disclosure Statement(s). 13. Other:	(PTO/SB/08 or PTO-1449) Paper	No(s). <u>8-2-2004</u>	<u> </u>			
15. [] Ottlet	-12	BOB PHUNKULH	m			
	17	OOR PHI INK! II H	4/4/05			
·	p	RIMARY EXAMINE	R '			

Continuation of 11. does NOT place the application in condition for allowance because: Regarding applicant argument on page 13, paragraph 3, on claims 1-8,12-19, the Amezawa discloses the propagation path variation estimation means for estimating propagation path variations between prior control sections and a current transit power control section (See FIG. 1, propagation path estimator 14 and 21, see col. 3, line 24-26). Sawahashi discloses estimation between respective prior control section (see col. 4, line 20-21, see col. 4, lines 55-56) and a current power control section section (see col. 4, lines 18-19; see col. 4, lines 53-55), wherein each of the propagation path variation estimation value is obtained by estimating a propagation path between a different corresponding prior transmit power control section and the current transmit power control section (Abstract; see FIG. 6; see col. 4, lines 15-67; see col. 7, lines 1-41). Thus, the combined system of Amezawa and Sawahashi clearly discloses the argued limitations. Regarding argument on page 14, paragraph 1, the combined system Amezawa and Sawahashi performs the correction by subtraction to correct a plurality of prior transmit power control section and to average these section, as described in page 4-5 of final office action. Miyake also teaches well known mathematical procedure of correction by multiplying, col. 3, line 29-34, col. 6, line 45-50). Thus the combined system of Amezawa, Sawahashi, and Miyake clearly discloses the applicant claimed invention and limitations.

In response to applicant's argument, page 14-16, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the length of time of the time intervals used to estimate...each time interval in the time...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

